

# JOURNAL OF THE SENATE

Tuesday, May 10, 1949

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The Senate convened at 11:00 o'clock A. M., pursuant to adjournment on Monday, May 9, 1949.

The President in the Chair.

The roll was called and the following Senators answered to their names:

Mr. President	Collins	Lindler	Sheldon
Alford	Crary	Mathews	Shivers
Ayers	Davis	McArthur	Smith
Baker	Franklin	Moore	Sturgis
Baynard	Gautier	Pearce	Tucker
Beacham	Getzen	Pope	Walker
Beall	Johns	Ray	Wilson
Boyle	Johnston	Rodgers	Wright
Carroll	King	Sanchez	
Clarke	Leaird	Shands	

—38.

A quorum present.

Prayer was offered by the Senate Chaplain, Reverend W. F. Dunkle.

The reading of the Journal was dispensed with.

The Senate daily Journal of Friday, May 6, 1949, was further corrected as follows:

Page 10, column 2, line 3, counting from the bottom of the column, after the word "of" and before the word "mandatory" insert the following:

"1947, relating to education; providing".

And as further corrected was approved.

The Senate daily Journal of Monday, May 9, 1949, was corrected as follows:

Page 4, column 1, between lines 21 and 22, insert the following:

"Which was read the first time by title only and referred to the Committee on Welfare."

And as corrected was approved.

## REPORTS OF COMMITTEES

Senator Davis, Chairman of the Committee on Privileges and Elections, reported that the Committee had carefully considered the following Bill:

S. B. No. 493—A bill to be entitled An Act amending Section 102.35-1, Florida Statutes, 1941, relating to the qualifying for political party nominations in the Primary Elections of candidates for certain State administrative offices and the offices of United States Senator and Representatives to Congress and providing for the last date on which candidates for the office of Commissioner of the Florida Railroad and Public Utilities Commission shall qualify for political party nomination in said elections.

—and recommends that it do pass.

And the Bill contained in the preceding report was placed on the Calendar of Bills on Second Reading.

Senator Sanchez, Chairman of the Committee on Public Health, reported that the Committee had carefully considered the following Bill:

S. B. No. 497—A bill to be entitled An Act requiring the holding of a permit and the payment of an inspection fee by bakers and distributors of bakery products, covering the cost of inspection and enforcement of the Florida Food, Drug and Cosmetic Act with respect to bakeries.

—and recommends that it do pass.

And the Bill contained in the preceding report was placed on the Calendar of Bills on Second Reading.

Senator Baynard, Chairman of the Committee on Insurance, reported that the Committee had carefully considered the following Bill:

Committee Substitute for H. B. No. 242—A bill to be entitled An Act relating to insurers not authorized to transact business in this State; providing for actions in this State against and for the service of process upon such insurers; prescribing how a defense may be made by such insurers; providing for the allowance of attorneys fees in actions against such insurers; and fixing the effective date of this Act.

—and recommends that it do pass with committee amendments as attached thereto.

And the Bill contained in the preceding report, together with the Committee amendments attached thereto, was placed on the Calendar of Bills on Second Reading.

Senator Baynard, Chairman of the Committee on Insurance, reported that the Committee had carefully considered the following Bills:

H. B. No. 419—A bill to be entitled An Act to amend Section 635.21 Florida Statutes of 1941, as amended, relating to the writing and delivery of life insurance policies and the power of the Insurance Commissioner to make appropriate rules and regulations governing the same by providing that policies of life, group life and annuity contracts shall be applied for and delivered by a licensed Florida Life Insurance Agent who shall receive the usual commission; and providing that insurers shall maintain an agent for the servicing of all policies or contracts so issued or delivered and repealing all laws in conflict herewith.

H. B. No. 436—A bill to be entitled An Act to provide that group insurance policies may be issued in this State where they conform to provisions of this Act and contain in the contract forms the standard provisions as set out herein; to provide that Sections 625.19, 625.20 and 635.02 Florida Statutes of 1941 as amended and Chapter 24202 Laws of Florida 1947 shall not prohibit policies from being issued under this Act at rates less than those for individual premiums; providing that nothing herein contained shall affect the provisions of Sections 112.08 to 112.14 inclusive or the provisions in Section 635.05, Florida Statutes of 1941, as amended; providing for the repeal of laws in conflict herewith.

—and recommends that they do pass.

And the Bills contained in the preceding report were placed on the Calendar of Bills on Second Reading.

Senator Baynard, Chairman of the Committee on Insurance, reported that the Committee had carefully considered the following Bills:

H. B. No. 202—A bill to be entitled An Act authorizing Boards of County Commissioners to procure and pay premiums on liability insurance against tort actions; requiring insurer to waive defense of governmental immunity in any suit brought against county; waiving governmental immunity only to extent of insurance carried.

H. B. No. 294—A bill to be entitled An Act to amend Sections 1, 2, 3, 4, 5, 6, 10, 11, 12, 13, 15 and 16 of Chapter 23966, Laws of Florida, Acts of 1947 (same being respectively Sections 636.01, 636.02, 636.03, 636.04, 636.05, 636.06, 636.10, 636.11, 636.12, 636.13, 636.15 and 636.16, Volume I, 1947 Cumulative Supplement, Florida Statutes, 1941), relating to the examination, licensing and regulation of insurance adjusters under the supervision of the Insurance Commissioner; fixing the annual license tax payable by adjusters; providing for the issuance, renewal, suspension or revocation of such licenses

by the Insurance Commissioner under circumstances stated, and for court review of the orders of such official related thereto; providing that certain insurance agents, certain officers and employees of insurers, the designated attorney or representative of subscribers in inter-insurance or reciprocal agreements, attorneys at law licensed to practice in this state, and certain other designated persons in the event of a catastrophe or emergency, are not required to be licensed hereunder to adjust insurance losses under the circumstances and to the extent stated herein; declaring unlawful certain practices in connection with adjusting claims, loss or damage under insurance contracts; prescribing penalties for violation of this Act; defining certain terms used herein; and fixing the effective date of this Act.

—and recommends that they do not pass.

And the Bills contained in the preceding report were laid on the table.

Senator Davis, Chairman of the Committee on Privileges and Elections, reported that the Committee had carefully considered the following Bill:

H. B. No. 404—A bill to be entitled An Act requiring that candidates for delegates to National Political Conventions shall be voted on in the Second Primary; and providing that one man and one woman shall be elected as delegate to National Political Party Conventions from each Congressional District; and providing that the remaining delegates shall be elected at large, divided equally, one man and one woman; and providing that the candidates for delegate may have printed after their name the candidate for President for whom she or he intends to vote in said convention; and further providing for the election of all party officers in the Second Primary.

—and recommends that it do pass with committee amendments as attached thereto.

And the Bill contained in the preceding report, together with the Committee amendments attached thereto, was placed on the Calendar of Bills on Second Reading.

Senator Davis, Chairman of the Committee on Privileges and Elections, reported that the Committee had carefully considered the following Bills:

H. B. No. 454—A bill to be entitled An Act prohibiting the holding of special State, County or District Elections, including bond elections, on and after October 1, 1949, during periods prior and subsequent to the dates regular primary and general elections are held; and fixing the effective date of this Act.

H. B. No. 455—A bill to be entitled An Act to require each County Judge to make written monthly report to the Supervisor of Registration setting forth names of persons adjudged mentally ill or incompetent; and fixing the effective date of this Act.

—and recommends that they do pass.

And the Bills contained in the preceding report were placed on the Calendar of Bills on Second Reading.

Senator Baynard, Chairman of the Committee on Insurance, reported that the Committee had carefully considered the following Bill:

Committee Substitute for H. B. No. 63—A bill to be entitled An Act to amend Section 631.11, Florida Statutes, 1941, prohibiting authorized fire insurers from reinsuring or agreeing to indemnify any unauthorized fire insurer against loss by fire under the latter's contract covering property in this State, and to amend Section 631.13, Florida Statutes, 1941, related to oath required of fire insurers as prerequisite to renewal of such insurers' license to transact business in this State, by making the provisions of such sections applicable to fire, casualty and surety insurers and risks covered by their contracts; and fixing the effective date of this Act.

—and recommends that it do pass.

And the Bill contained in the preceding report was placed on the Calendar of Bills on Second Reading.

Senator Ayers, Chairman of the Committee on State Institutions, reported that the Committee had carefully considered the following Bills:

S. B. No. 529—A bill to be entitled An Act to rename "the

Supreme Court, Railroad Commission and Library Building"; providing that said building shall be known as "The Whitfield Building"; providing for the occupancy of said building; and repealing all laws in conflict herewith.

S. B. No. 542—A bill to be entitled An Act relating to construction or repair of buildings of the State of Florida; to require separate specifications for heating and ventilating; plumbing and gas fitting; electrical installations; and air conditioning branches of work, when the entire cost of such work shall exceed ten thousand dollars.

—and recommends that they do pass.

And the Bills contained in the preceding report were placed on the Calendar of Bills on Second Reading.

#### ENGROSSING REPORTS

Your Engrossing Clerk to whom was referred, with House amendments, for engrossing—

S. B. No. 180—A bill to be entitled An Act defining and regulating the practice of Medical Technology: Licensing Medical Technologists and Medical Technologist Directors and providing for the qualification and examination of applicants for such licenses: providing that practitioners of the healing arts and others shall be exempt from all provisions of this Act: providing for the administration of this Act by the Board of Examiners in the Basic Sciences; providing fees to be charged persons coming within the terms of the Act and the disposition thereof: providing for the enforcement of the Act by the State Board of Health, by proceedings for the revocation or suspension of licenses issued hereunder, by injunction proceedings and by criminal prosecution.

—begs leave to report that the House amendments have been incorporated in the Bill and the same is returned herewith, as engrossed.

Very respectfully,  
ROBT. W. DAVIS,  
Secretary of the Senate  
as Ex Officio Engrossing Clerk.

And Senate Bill No. 180, contained in the above report, was referred to the Secretary of the Senate, as Ex Officio Enrolling Clerk, for enrolling.

Your Engrossing Clerk to whom was referred, with amendment, for engrossing—

Senate Joint Resolution No. 46:

A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 5, ARTICLE VII OF THE CONSTITUTION OF THE STATE OF FLORIDA RELATIVE TO THE STATE CENSUS, MAKING A STATE ENUMERATION UNNECESSARY AND ADOPTING THE PRECEDING DECENNIAL FEDERAL CENSUS AS THE STATE CENSUS.

—begs leave to report that the amendment has been incorporated in the Resolution and the same is returned herewith, as engrossed.

Very respectfully,  
ROBT. W. DAVIS,  
Secretary of the Senate  
as Ex Officio Engrossing Clerk.

And Senate Joint Resolution No. 46, contained in the above report, was referred to the Secretary of the Senate as Ex Officio Enrolling Clerk, for enrolling.

#### ENROLLING REPORTS

Your Enrolling Clerk to whom was referred—

S. B. No. 142

S. B. No. 258

S. B. No. 300

—begs leave to report same have been properly enrolled, signed by the President and Secretary of the Senate, and by the Speaker and Chief Clerk of the House of Representatives, and presented to the Governor on May 10, 1949, for his approval.

Very respectfully,  
ROBT. W. DAVIS,  
Secretary of the Senate  
as Ex Officio Enrolling Clerk of the Senate.

Your Enrolling Clerk, to whom was referred—

H. B. No. 12	H. B. No. 325
H. B. No. 16	H. B. No. 326
H. B. No. 42	H. B. No. 327
H. B. No. 45	H. B. No. 328
H. B. No. 46	H. B. No. 335
H. B. No. 89	H. B. No. 337
H. B. No. 122	H. B. No. 372
H. B. No. 170	H. B. No. 381
H. B. No. 171	H. B. No. 435
H. B. No. 172	H. B. No. 630
H. B. No. 324	H. B. No. 650

—begs leave to report same have been signed in open session by the President and Secretary of the Senate, and the Speaker and Chief Clerk of the House of Representatives, and this day presented to the Governor for his approval.

Very respectfully,  
ROBT. W. DAVIS,  
Secretary of the Senate  
as Ex Officio Enrolling Clerk of the Senate.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

By Senator Boyle—

S. B. No. 556—A bill to be entitled An Act for the relief of W. G. Kilbee for damages to his cattle caused by the use of DDT in cattle dip solution in Volusia County, Florida, by the State Livestock Sanitary Board.

Which was read the first time by title only and referred to the Committee on Pensions and Claims.

By Senator Baker—

S. B. No. 557—A bill to be entitled An Act designating and establishing a certain state road in Lake County, Florida.

Which was read the first time by title only.

Senator Baker moved that the rules be waived and Senate Bill No. 557 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 557 was read the second time by title only.

Senator Baker moved that the rules be further waived and Senate Bill No. 557 be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 557 was read the third time in full.

Upon the passage of Senate Bill No. 557 the roll was called and the vote was:

Yeas—38

Mr. President	Collins	Lindler	Sheldon
Alford	Crary	Mathews	Shivers
Ayers	Davis	McArthur	Smith
Baker	Franklin	Moore	Sturgis
Baynard	Gautier	Pearce	Tucker
Beacham	Getzen	Pope	Walker
Beall	Johns	Ray	Wilson
Boyle	Johnston	Rodgers	Wright
Carroll	King	Sanchez	
Clarke	Leaird	Shands	

Nays—None

So Senate Bill No. 557 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By Senator Baker—

S. B. No. 558—A bill to be entitled An Act to authorize the Council of the Town of Mount Dora, Florida, to estab-

lish and provide a pension and retirement fund and system for certain officers and employees in the service of said town, excepting the Town Attorney; providing the conditions for contributions and benefits under such system; providing for the power to raise by taxation amounts needed for the purpose; providing for the receiving of gifts, devises and bequests of money or property for the benefit of such fund; providing the membership conditions of such fund; and providing that this Act shall not be construed to repeal or alter fire pension acts heretofore or hereafter passed and adopted; providing for minimum and maximum rates of contribution by the employees and the town; providing that this Act shall not become operative or effective until ratified at a referendum election and providing further that the pension plans if adopted under the provisions of this Act shall not become effective unless approved at a referendum election; and repealing all laws or parts of laws in conflict herewith.

Which was read the first time by title only.

Senator Baker moved that the rules be waived and Senate Bill No. 558 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 558 was read the second time by title only.

Senator Baker moved that the rules be further waived and Senate Bill No. 558 be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 558 was read the third time in full.

Upon the passage of Senate Bill No. 558 the roll was called and the vote was:

Yeas—38

Mr. President	Collins	Lindler	Sheldon
Alford	Crary	Mathews	Shivers
Ayers	Davis	McArthur	Smith
Baker	Franklin	Moore	Sturgis
Baynard	Gautier	Pearce	Tucker
Beacham	Getzen	Pope	Walker
Beall	Johns	Ray	Wilson
Boyle	Johnston	Rodgers	Wright
Carroll	King	Sanchez	
Clarke	Leaird	Shands	

Nays—None

So Senate Bill No. 558 passed, titled as stated, and the action of the Senate was ordered certified to the House of Representatives.

By Senator Shivers—

S. B. No. 559—A bill to be entitled An Act providing that on any freeway or limited access facility or other highway hereafter established or created pursuant to the authority of Chapter 22045, Laws of Florida, Acts of 1943, it shall be unlawful for the highway authorities or any agency or official of the State to conduct or permit the establishment of commercial enterprises or activities within the right of way or property of a limited access facility as defined in said Act.

Which was read the first time by title only and referred to the Committee on Public Roads and Highways.

By Senator Gautier—

S. B. No. 560—A bill to be entitled An Act relating generally to trust companies; amending Section 655.27, Florida Statutes, 1941; prohibiting certain corporations from exercising certain powers and functions; permitting foreign corporations to act as trustee of real estate acquired by reason of enforcement of certain specified mortgages; permitting foreign corporations acting as trustee for banks to acquire and enforce certain specified mortgages without necessity of a resident co-trustee; and repealing all laws in conflict herewith.

Which was read the first time by title only and referred to the Committee on Banking and Building and Loans.

By Senator Beacham—

S. B. No. 561—A bill to be entitled An Act in reference to acquisition of land or rights in land as between any flood control district created under any Act of the Legislature at its 1949 session and any public agency or public corporation; providing authority therefor; in reference to taxes on said land; and confirming and validating dedications and commitments heretofore made in certain cases.

Which was read the first time by title only and referred to the Committee on Drainage and Water Conservation.

By the Committee on Privileges and Elections—

S. B. No. 562—A bill to be entitled An Act relating to holding elections and ascertaining the results; amending Sections 99.15, 99.18, 99.19 and 99.20, Florida Statutes, 1941; adding Sections 99.171, 99.191 and 99.201 to Florida Statutes, 1941; providing for order of titles and names on ballots; Secretary of State to prescribe form of ballot; specifications for the ballot; form of ballot; arrangement of machine for balloting in voting machine counties; ballot regulations; and prohibiting use of rubber stamp or stickers in casting ballots.

Which was read the first time by title only and placed on the Calendar of Bills on Second Reading, without reference.

By the Committee on Privileges and Elections—

S. B. No. 563—A bill to be entitled An Act relating to primary elections; adding Section 102.011 to Florida Statutes, 1941; providing procedure for nominating candidates for presidential elector.

Which was read the first time by title only and placed on the Calendar of Bills on Second Reading, without reference.

By the Committee on Privileges and Elections—

S. B. No. 564—A bill to be entitled An Act relating to primary elections; amending Section 102.57, Florida Statutes, 1941; repealing Section 102.59, Florida Statutes, 1941; changing number of reports on campaign expenses; and removing requirement of showing names of political workers.

Which was read the first time by title only and placed on the Calendar of Bills on Second Reading, without reference.

By the Committee on Privileges and Elections—

S. B. 565—A bill to be entitled An Act relating to primary elections; adding Section 102.011 to Florida Statutes, 1941; providing procedure for nominating candidates for Presidential Elector.

Which was read the first time by title only and placed on the Calendar of Bills on Second Reading, without reference.

By the Committee on Judiciary "B"—

S. B. No. 566—A bill to be entitled An Act to amend Section 875.15, Florida Statutes, 1941, relating to casting illegal vote; to amend Section 875.16, Florida Statutes, 1941, relating to casting more than one vote; to amend Section 875.17, Florida Statutes, 1941, relating to casting more than one vote at same primary election; and to amend Section 875.26, Florida Statutes, 1941, relating to person voting at primary knowing that he is not qualified elector.

Which was read the first time by title only and placed on the Calendar of Bills on Second Reading, without reference.

By the Committee on Judiciary "B"—

S. B. No. 567—A bill to be entitled An Act to make it a misdemeanor to escape or attempt to escape from lawful confinement in any county jail or county convict camp or from the lawful custody of any sheriff or constable or any county convict captain, warden or guard; and to prescribe the punishment therefor.

Which was read the first time by title only and placed on the Calendar of Bills on Second Reading, without reference.

By the Committee on Judiciary "B":

S. B. No. 568—A bill to be entitled An Act to amend Section 922.04, Florida Statutes 1941, relating to application for discharge by indigent prisoner who has been sentenced to pay a fine or fine and costs and who has been confined in prison sixty days solely for the non-payment of such fine

or fine and costs, and relating to the discharge of such prisoner.

Which was read the first time by title only and placed on the Calendar of Bills on Second Reading, without reference.

By the Committee on Judiciary "B"—

S. B. No. 569—A bill to be entitled An Act to amend Section 782.04, Florida Statutes 1941, relating to murder.

Which was read the first time by title only and placed on the Calendar of Bills on Second Reading, without reference.

By the Committee on Judiciary "B"—

S. B. No. 570—A bill to be entitled An Act to amend Section 811.11, Florida Statutes 1941, relating to horse or cattle stealing; to amend Section 811.12, Florida Statutes 1941, relating to second conviction of horse or cattle stealing; to amend Section 811.13, Florida Statutes 1941, relating to larceny of sheep and goats; to amend Section 811.14, Florida Statutes 1941, relating to larceny of hogs; and to amend Section 811.15, Florida Statutes 1941, relating to larceny of hogs, second offense.

Which was read the first time by title only and placed on the Calendar of Bills on Second Reading, without reference.

By the Committee on Judiciary "B"—

S. B. No. 571—A bill to be entitled An Act to amend Section 1 of Chapter 21974, Laws of 1943, being Section 800.04, 1947 Supplement to Volume 1 of Florida Statutes 1941, relating to lewd, lascivious or indecent assault or act upon or in presence of child under the age of fourteen years.

Which was read the first time by title only and placed on the Calendar of Bills on Second Reading, without reference.

By Senator Pope—

S. B. No. 572—A bill to be entitled An Act to protect the blind and incapacitated pedestrians on public streets and highways; requiring vehicles to come to a full stop in certain cases; restricting the use of certain colored canes by other pedestrians; and imposing penalties.

Which was read the first time by title only and referred to the Committee on Motor Vehicles.

By Senator Tucker—

S. B. No. 573—A bill to be entitled An Act to designate and establish a certain state road in Wakulla County, Florida.

Which was read the first time by title only and referred to the Committee on Public Roads and Highways.

By Senator Tucker

S. B. No. 574—A bill to be entitled An Act to designate and establish a certain state road in Wakulla County, Florida.

Which was read the first time by title only and referred to the Committee on Public Roads and Highways.

By Senator Pope—

S. B. No. 575—A bill to be entitled An Act amending Section 790.08, Florida Statutes, 1941, relating to weapons and arms in possession of persons arrested, and abandoned or discarded weapons and arms, and providing for the disposition thereof.

Which was read the first time by title only and referred to the Committee on Judiciary "C".

By Senator Brackin—

S. B. No. 576—A bill to be entitled An Act to establish the public policy of Florida as to fair trade and to protect good will represented by trade-marks, names or brands, against injury by authorizing contracts establishing resale prices on commodities bearing them and defining as unfair competition and making actionable knowingly and wilfully to advertise and sell such commodities at less than the prices established in the contracts authorized by this Act, whether the person so advertising and selling is or is not a party to such contract, and by providing for actions by the Attorney General to restrain the enforcement of contracts in which the commodities to which said contracts pertain are not in free and open competition with commodities of the same general class.

Which was read the first time by title only and referred to the Committee on Judiciary "A".

By Senator Alford—

S. B. No. 577—A bill to be entitled An Act relating to rights of way over lands owned by the State of Florida and its agencies and requiring compensation therefor except where for the exclusive use or benefit of the State of Florida or its agencies.

Which was read the first time by title only and referred to the Committee on Public Utilities.

By Senator Smith—

Senate Joint Resolution No. 578:

A JOINT RESOLUTION PROPOSING AN AMENDMENT TO ARTICLE III, SECTION 5 OF THE CONSTITUTION OF FLORIDA, RELATING TO MEMBERS OF THE STATE LEGISLATURE BY PROVIDING FOR ELIGIBILITY OF MEMBERS OF THE STATE LEGISLATURE TO HOLD OFFICE CREATED OR THE EMOLUMENTS WHEREOF ARE INCREASED BY THE LEGISLATURE.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF FLORIDA:

That the following amendment to Article III, Section 5 of the constitution of Florida is hereby agreed to and shall be submitted to the electors of the State of Florida for ratification or rejection at the next general election to be held in 1950.

Section 5. Members of the legislature of the State of Florida may be appointed or elected to any civil office where emoluments thereof have been increased and the member so appointed or elected shall receive compensation for the period of time remaining in the term for which he was elected to the legislature at the rate before such increase was enacted, thereafter at the salary provided by law.

Which was read the first time in full and referred to the Committee on Constitutional Amendments.

By the Committee on State Institutions—

S. B. No. 579—A bill to be entitled An Act to provide more adequate medical and psychiatric personnel for mental institutions operated by the State; to provide additional doctors and psychiatrists at the Florida State Hospital; to provide for training psychiatrists, nurses and attendants at such institutions; to authorize and direct the Board of Commissioners of State Institutions to place emphasis on obtaining such additional skilled professional and technical staff, setting standards for certain professional personnel, and making appropriation therefor.

Which was read the first time by title only and referred to the Committee on Appropriations.

By Senator Gautier—

S. B. No. 580—A bill to be entitled An Act to provide for special application of Chapter 19112, Acts of Florida, 1939, to the City of Miami Beach, Florida; providing for the creation of a Miami Beach Firemen's Relief and Pension Fund; creating a board of trustees for the administration of said fund; providing for means of crediting accumulated and prospective funds to the accounts of individual firemen, disbursements and payment of benefits from said fund.

Which was read the first time by title only.

Proof of publication of Notice was attached to Senate Bill No. 580 when it was introduced in the Senate, and evidence that such Notice has been published was established by the Senate, as required by Section 21, Article III of the Constitution of the State of Florida.

Senator Gautier moved that the rules be waived and Senate Bill No. 580 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 580 was read the second time by title only.

Senator Gautier moved that the rules be further waived and

Senate Bill No. 580 be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 580 was read the third time in full.

Upon the passage of Senate Bill No. 580 the roll was called and the vote was:

Yeas—38

Mr. President	Collins	Lindler	Sheldon
Alford	Crary	Mathews	Shivers
Ayers	Davis	McArthur	Smith
Baker	Franklin	Moore	Sturgis
Baynard	Gautier	Pearce	Tucker
Beacham	Getzen	Pope	Walker
Beall	Johns	Ray	Wilson
Boyle	Johnston	Rodgers	Wright
Carroll	King	Sanchez	
Clarke	Leaird	Shands	

Nays—None

So Senate Bill No. 580 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By Senator Gautier—

S. B. No. 581—A bill to be entitled An Act to amend Section 65.08, Florida Statutes, 1941, as amended, relating to alimony upon decree of divorce.

Which was read the first time by title only and referred to the Committee on Judiciary "B".

By Senator Gautier—

S. B. No. 582—A bill to be entitled An Act to authorize the employment and appointment of deputy constables in all counties having a population of not less than 315,000 according to the last Federal Census, by the constables of the various Justices of the Peace Districts in said counties.

Which was read the first time by title only.

Senator Gautier moved that the rules be waived and Senate Bill No. 582 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 582 was read the second time by title only.

Senator Gautier moved that the rules be further waived and Senate Bill No. 582 be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 582 was read the third time in full.

Upon the passage of Senate Bill No. 582 the roll was called and the vote was:

Yeas—38

Mr. President	Collins	Lindler	Sheldon
Alford	Crary	Mathews	Shivers
Ayers	Davis	McArthur	Smith
Baker	Franklin	Moore	Sturgis
Baynard	Gautier	Pearce	Tucker
Beacham	Getzen	Pope	Walker
Beall	Johns	Ray	Wilson
Boyle	Johnston	Rodgers	Wright
Carroll	King	Sanchez	
Clarke	Leaird	Shands	

Nays—None

So Senate Bill No. 582 passed, titled as stated, and the action of the Senate was ordered certified to the House of Representatives.

By Senator Gautier—

S. B. No. 583—A bill to be entitled An Act relating to education, declaring and providing housing facilities for teachers and other employees of the Public Free Schools of Florida

to be an educational purpose, and authorizing County Boards of Public Instruction to enter into agreements, contracts and undertakings to provide low cost housing facilities and make available State and Federal aid to that end.

Which was read the first time by title only and referred to the Committee on Education.

By Senator Gautier—

S. B. No. 584—A bill to be entitled An Act relating to education: to prescribe the terms and conditions under and according to which private schools may be established and operated in the State of Florida; and prescribing penalties for violation of said Act.

Which was read the first time by title only and referred to the Committee on Education.

By Senator Gautier—

S. B. No. 585—A bill to be entitled An Act relating to education: to amend Section 235.33, Florida Statutes, 1941.

Which was read the first time by title only and referred to the Committee on Education.

By Senator Gautier—

S. B. No. 586—A bill to be entitled An Act relating to education: to amend Section 231.43, Florida Statutes, 1941.

Which was read the first time by title only and referred to the Committee on Education.

By Senator Gautier—

S. B. No. 587—A bill to be entitled An Act prescribing and authorizing the compensation to be paid to and received by members of the several Boards of Public Instruction in counties of the State of Florida having a population of not less than 315,000 inhabitants according to the last State or Federal Census, whichever is the most recent, and providing for the payment of the expenses of members of such Boards of Public Instruction, and repealing all laws in conflict therewith.

Which was read the first time by title only.

Proof of publication of Notice was attached to Senate Bill No. 587 when it was introduced in the Senate, and evidence that such Notice has been published was established by the Senate, as required by Section 21, Article III of the Constitution of the State of Florida.

Senator Gautier moved that the rules be waived and Senate Bill No. 587 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 587 was read the second time by title only.

Senator Gautier moved that the rules be further waived and Senate Bill No. 587 be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 587 was read the third time in full.

Upon the passage of Senate Bill No. 587 the roll was called and the vote was:

Yeas—38

Mr. President	Collins	Lindler	Sheldon
Alford	Crary	Mathews	Shivers
Ayers	Davis	McArthur	Smith
Baker	Franklin	Moore	Sturgis
Baynard	Gautier	Pearce	Tucker
Beacham	Getzen	Pope	Walker
Beall	Johns	Ray	Wilson
Boyle	Johnston	Rodgers	Wright
Carroll	King	Sanchez	
Clarke	Leaird	Shands	

Nays—None

So Senate Bill No. 587 passed, title as stated, and the action

of the Senate was ordered certified to the House of Representatives.

By Senator Gautier—

S. B. No. 588—A bill to be entitled An Act relating to education: to authorize and empower the Board of Public Instruction of Dade County, Florida to withhold the sum of ten per cent of the contract price on the basis of work completed in and under all contracts for the construction, alteration, repair or other improvements to school buildings or structures under the provisions of Chapter 235 Florida Statutes 1941.

Which was read the first time by title only.

Proof of publication of Notice was attached to Senate Bill No. 588 when it was introduced in the Senate, and evidence that such Notice has been published was established by the Senate, as required by Section 21, Article III of the Constitution of the State of Florida.

Senator Gautier moved that the rules be waived and Senate Bill No. 588 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 588 was read the second time by title only.

Senator Gautier moved that the rules be further waived and Senate Bill No. 588 be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 588 was read the third time in full.

Upon the passage of Senate Bill No. 588 the roll was called and the vote was:

Yeas—38

Mr. President	Collins	Lindler	Sheldon
Alford	Crary	Mathews	Shivers
Ayers	Davis	McArthur	Smith
Baker	Franklin	Moore	Sturgis
Baynard	Gautier	Pearce	Tucker
Beacham	Getzen	Pope	Walker
Beall	Johns	Ray	Wilson
Boyle	Johnston	Rodgers	Wright
Carroll	King	Sanchez	
Clarke	Leaird	Shands	

Nays—None

So Senate Bill No. 588 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By Senator Gautier—

S. B. No. 589—A bill to be entitled An Act for the relief of D. W. Whitman for services rendered to the Board of Public Instruction of Dade County, Florida as supervisor of buildings and for salary withheld and unpaid for the years 1931 to 1935 inclusive; authorizing and directing the payment thereof from the county current fund of the said Board of Public Instruction of Dade County, Florida.

Which was read the first time by title only.

Proof of publication of Notice was attached to Senate Bill No. 589 when it was introduced in the Senate, and evidence that such Notice has been published was established by the Senate, as required by Section 21, Article III of the Constitution of the State of Florida.

Senator Gautier moved that the rules be waived and Senate Bill No. 589 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 589 was read the second time by title only.

Senator Gautier moved that the rules be further waived and Senate Bill No. 589 be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 589 was read the third time in full.

Upon the passage of Senate Bill No. 589 the roll was called and the vote was:

## Yeas—38

Mr. President	Collins	Lindler	Sheldon
Alford	Crary	Mathews	Shivers
Ayers	Davis	McArthur	Smith
Baker	Franklin	Moore	Sturgis
Baynard	Gautier	Pearce	Tucker
Beacham	Getzen	Pope	Walker
Beall	Johns	Ray	Wilson
Boyle	Johnston	Rodgers	Wright
Carroll	King	Sanchez	
Clarke	Leaird	Shands	

## Nays—None

So Senate Bill No. 589 passed, title as stated, by the required Constitutional two-thirds vote of all members elected to the Senate for the 1949 Session of the Florida Legislature, and the action of the Senate was ordered certified by the House of Representatives.

## By Senator Gautier—

S. B. No. 590—A bill to be entitled An Act to authorize and empower County Boards of Public Instruction of all counties in the State of Florida having a population of not less than 315,000 according to the last State or Federal Census, whichever is the later, to allow sick leave to members of the instructional staff in addition to the sick leave authorized by Section 231.40 Florida Statutes 1941 as amended by Chapter 23726 Laws of Florida 1947; providing for payment of said additional sick leave when so allowed, limiting the amount of such sick leave and the compensation that may be paid thereunder.

Which was read the first time by title only.

Proof of publication of Notice was attached to Senate Bill No. 590 when it was introduced in the Senate, and evidence that such Notice has been published was established by the Senate, as required by Section 21, Article III of the Constitution of the State of Florida.

Senator Gautier moved that the rules be waived and Senate Bill No. 590 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 590 was read the second time by title only.

Senator Gautier moved that the rules be further waived and Senate Bill No. 590 be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 590 was read the third time in full.

Upon the passage of Senate Bill No. 590 the roll was called and the vote was:

## Yeas—38

Mr. President	Collins	Lindler	Sheldon
Alford	Crary	Mathews	Shivers
Ayers	Davis	McArthur	Smith
Baker	Franklin	Moore	Sturgis
Baynard	Gautier	Pearce	Tucker
Beacham	Getzen	Pope	Walker
Beall	Johns	Ray	Wilson
Boyle	Johnston	Rodgers	Wright
Carroll	King	Sanchez	
Clarke	Leaird	Shands	

## Nays—None

So Senate Bill No. 590 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

## By Senator Smith—

S. B. No. 591—A bill to be entitled An Act to amend Chapter 550, Florida Statutes, 1941, as amended, by adding a section thereto authorizing and directing the Florida State Racing Commission to issue permits and licenses to operate race tracks and conduct racing meetings of registered quarter running horses to certain bona fide non profit agricultural cooperative associations organized under the laws of Florida;

providing for the sale of parimutuel pools in connection with wagers upon the result of such races and for the repeal of all laws and parts of laws in conflict herewith.

Which was read the first time by title only and referred to the Committee on Miscellaneous Legislation.

## By Senator Mathews—

S. B. No. 592—A bill to be entitled An Act to establish the public policy of Florida as to fair trade and to protect good will represented by trade-marks, names or brands, against injury by authorizing contracts establishing resale prices on commodities bearing them and defining as unfair competition and making actionable knowingly and wilfully to advertise and sell such commodities at less than the prices established in the contracts authorized by this Act, whether the person so advertising and selling is or is not a party to such contract, and by providing for actions by the Attorney General to restrain the enforcement of contracts in which the commodities to which said contracts pertain are not in free and open competition with commodities of the same general class.

Which was read the first time by title only and referred to the Committee on Judiciary "C".

Senator Sanchez moved that House Bill No. 468 and House Bill No. 470 be withdrawn from the Committee on Public Health and placed on the Calendar of Bills on Second Reading.

Which was agreed to by a two-thirds vote and it was so ordered.

Senator Beacham moved that a committee of three be appointed to escort the Honorable Gerald T. Mullin, President of the Minnesota State Senate, to a seat on the rostrum of the Senate.

Which was agreed to.

The President appointed Senators Beacham, Shivers, and Mathews as the committee.

## MESSAGES FROM THE GOVERNOR

The following Message from the Governor was received:

STATE OF FLORIDA  
EXECUTIVE DEPARTMENT  
TALLAHASSEE

May 9, 1949

Hon. Newman C. Brackin,  
President of the Senate.  
Tallahassee, Florida  
Sir:

I have the honor to inform you that I have today filed with the Secretary of State the following Acts, which originated in your Honorable Body, the same having remained in my office for the full Constitutional period of five days and will become laws without my approval:

- S. B. No. 48, relating to organizations
- S. B. No. 176, relating to Florida Inland Navigation District
- S. B. No. 179, relating to Circuit Judges
- S. B. No. 190, relating to justices of the peace
- S. B. No. 196, relating to capitol center buildings
- S. B. No. 199, relating to Palm Beach County
- S. B. No. 209, relating to Palm Beach County
- S. B. No. 280, relating to Tampa
- S. B. No. 285, relating to Hillsborough County Port Authority and
- S. M. No. 37, relating to medicine and insurance

Respectfully,  
FULLER WARREN,  
Governor.



## MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following Message from the House of Representatives was read:

Tallahassee, Florida,  
May 10, 1949.

Hon. Newman C. Brackin,  
President of the Senate.  
Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has concurred in Senate Amendment to—

By the Committee on Governmental Reorganization—

H. B. No. 167—A bill to be entitled An Act repealing all continuing appropriations and all unobligated lump sum appropriations which extend beyond June 30, 1949, and making certain exceptions thereto, appropriating and transferring all funds on hand in same to the General Revenue Fund.

Which amendment reads as follows:

Amendment No. 2:

In Section 2 (typewritten bill), after paragraph (28), add the following sub-section: "(29) All funds collected by institutions under the control and supervision of the Board of Control which are now classified as auxiliary funds and incidental funds."

Respectfully,  
LAMAR BLEDSOE,  
Chief Clerk, House of Representatives.

The following Message from the House of Representatives was read:

Tallahassee, Florida,  
May 9, 1949.

Hon. Newman C. Brackin,  
President of the Senate.  
Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has appointed Messrs. Beasley, Bronson and Dekle as a conference committee on the part of the House to confer with a like committee on the part of the Senate to adjust the differences existing between the Senate and the House of Representatives on House amendments Nos. 1 through 12 to—

By Senators Baynard, Mathews, Sheldon, Gautier, Leaird, Rodgers, Crary, Walker, Johnston, Shands, Boyle, Beacham, Pearce, Wilson and Ray—

S. B. No. 34—A bill to be entitled An Act relating to livestock, providing for the fencing thereof, liability of the owner of livestock running at large or straying, impounding and sale of such livestock, duty of county commissioners and sheriffs hereunder, punishment for violation of the provisions hereof, holding elections to reject the provisions hereof and repealing all laws and parts of laws in conflict herewith.

Which amendments read as follows:

Amendment No. 1—

Strike out all of Section 5 and insert the following in lieu thereof:

SECTION 5. Authority to impound livestock running at large or strays. It shall be the duty of the sheriff or any other law enforcement officer of the County or State where livestock is found to be running at large or straying, to take up, confine and hold any such livestock to be disposed of as hereinafter provided.

Amendment No. 2—

Strike out Section 7 and renumber the remaining Sections.

Amendment No. 3—

Strike out all of Section 6 and insert the following in lieu thereof:

SECTION 6. Disposition of impounded or straying live-

stock. Upon the impounding of any livestock by the sheriff or his deputies, or other law enforcement officers of the County or State, the sheriff shall forthwith serve written notice upon the owner, advising such owner of the location or place where the livestock is being held and impounded, and that unless such livestock be redeemed within three days from date thereof that the same be offered for sale. In the event the owner of such livestock is unknown or cannot be found, the service upon the owner shall be obtained by once publishing a notice in a newspaper of general circulation where the livestock is impounded (Sundays and holidays excluded). If there be no such newspaper then by posting of the notice at the court house door and at two other conspicuous places within said county. Such notice shall be in substantially the following form:

"To Whom It May Concern:

You are hereby notified that the following described livestock (giving full and accurate description of same, including marks and brands) is now impounded at (giving location where livestock is impounded) by \_\_\_\_\_ (giving name and address of impounder) and the amount of damages claimed by said impounder is \_\_\_\_\_ dollars, plus fees and expenses for the feeding and care thereof and costs incurred herewith. The above described livestock will, unless redeemed within three days from date hereof, be offered for sale at public auction to the highest and best bidder for cash.

Sheriff of \_\_\_\_\_ County, Florida.

Unless the impounded livestock is redeemed within the specified time, the sheriff shall forthwith give notice of sale thereof which shall be held not less than five days nor more than ten days (excluding Sundays and holidays) from the first publication of the notice of sale. Said notice of sale shall be published in a newspaper of general circulation in the said county (excluding Sundays and holidays) and by posting a copy of such notice at the court house door. If there be no such newspaper then by posting such copy at the court house door and at two other conspicuous places in said county.

Such notice of sale shall be in substantially the following form: "(Name of owner, if known, otherwise 'To Whom It May Concern') you are hereby notified that I will offer for sale and sell at public sale to the highest and best bidder for cash the following described livestock (giving full and accurate description of each head of livestock) at \_\_\_\_\_ o'clock, \_\_\_\_ M. (the hour of sale to be between 11 o'clock and 2.00 o'clock P. M. Eastern Standard Time) on the \_\_\_\_\_ day of \_\_\_\_\_ at the following place \_\_\_\_\_ (which place shall be where the livestock is impounded or at the place provided by the County Commissioners for the taking up and keeping of such livestock) to satisfy a claim in the sum of \_\_\_\_\_ dollars claimed by \_\_\_\_\_ (the name and address of the impounder), plus fees, expenses for feeding and care and costs hereof.

Sheriff of \_\_\_\_\_ County, Florida.

Amendment No. 4—

In Renumbered Section 7, line \_\_\_\_\_, of the bill, strike out lines 1 and 2 and insert the following in lieu thereof:

Fees of Sheriff or other law enforcement officer of the County or State. The fees of the Sheriff or other law enforcement officer of the County or State shall be as follows:

Amendment No. 5—

In Title, line 6, of the bill, after the word "Sheriffs" add the words "and other law enforcement officers of the County and State."

Amendment No. 6—

Strike out all of Section 3 and insert the following in lieu thereof:

Section 3—Duty of owner. No owner shall permit livestock to run at large on or stray upon the public roads of this state.



## Amendment No. 7—

Strike out all of Section Four and insert the following in lieu thereof:

Section 4. **Liability of owner.** Every owner of livestock who intentionally, wilfully, carelessly or negligently suffers or permits such livestock to run at large upon or stray upon the public roads of this state shall be liable in damages for all injury and property damage sustained by any person by reason thereof.

## Amendment No. 8—

Strike out Section eight being Section \_\_\_\_, as amended, and insert the following in lieu thereof:

Section \_\_ **Fees.** The fees of the sheriff or other law enforcement officer of the County or State shall be as follows:

For impounding each animal, the sum of \$2.50 and mileage as provided by law for the arrest and commitment of prisoners.

For serving any notice and making return thereon, the sum of \$1.50 and mileage provided by law for executing writs in actions at law and making return upon the same.

For feed and care of impounded animals the sum of \$0.50 per day per animal.

For advertising or posting notices of sale of impounded animals, the same as provided by law for advertising property for sale under process.

For sale or other dispositions of impounded animals, the sum of \$1.00.

For report of sale of impounded animals the sum of \$0.50.

## Amendment No. 9—

In Section 18, line \_\_\_\_, of the bill, being Section \_\_\_\_, as amended, strike out all of said section and insert the following in lieu thereof:

Section \_\_\_\_. All laws or parts of laws in conflict herewith are hereby repealed, provided, however, the provisions of this Act shall not apply to counties having special laws requiring the confinement and/or restraint of livestock, except insofar as this Act pertains to public roads and liability of owners of livestock for damages and injuries caused by the same.

## Amendment No. 10—

In Section 15, line \_\_\_\_, of the bill, strike out Section 15.

## Amendment No. 11—

In amended Section 5, line 3, of the bill, after the word state, insert the following in lieu thereof:

Highway Patrolmen.

## Amendment No. 12—

In the title of the bill, after the word "Sheriffs" insert the following, other law enforcement officers and State Highway Patrolmen.

Respectfully,  
LAMAR BLEDSOE,  
Chief Clerk, House of Representatives.

The following Message from the House of Representatives was read:

Tallahassee, Florida,  
May 10, 1949.

Hon. Newman C. Brackin,  
President of the Senate.  
Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed—

By Messrs. Fuqua and Rood of Manatee, Moody of Hillsborough, Cook of Flagler and Burnsed of Baker—

H. B. No. 215—A bill to be entitled An Act directing the cancellation and destruction by Clerks of the Circuit Courts and the Sheriffs of the several counties of the State of Florida of

any and all bonds given to secure the performance or non-performance of any act, after the expiration of twenty (20) years from the date of the execution thereof, providing no action is pending involving said bonds.

Also—

By Mr. McMullen of Hillsborough—

H. B. No. 249—A bill to be entitled An Act to amend Section 50.09, Florida Statutes, 1941, relating to entries of default and assessment of damages; and providing that the court shall assess the damages.

—and respectfully requests the concurrence of the Senate therein.

Respectfully,  
LAMAR BLEDSOE,  
Chief Clerk, House of Representatives.

And House Bill No. 215, contained in the above Message, was read the first time by title only and referred to the Committee on Judiciary "A".

And House Bill No. 249, contained in the above Message, was read the first time by title only and referred to the Committee on Judiciary "C".

The following Message from the House of Representatives was read:

Tallahassee, Florida,  
May 10, 1949.

Hon. Newman C. Brackin,  
President of the Senate.  
Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed—

By Messrs. Fuqua and Rood of Manatee, Moody of Hillsborough, Cook of Flagler, and Burnsed of Baker—

H. B. No. 201—A bill to be entitled An Act authorizing and empowering the Boards of County Commissioners of the several counties of Florida by appropriate resolution to name, re-name and provide for the naming of streets and roads (except state roads designated by number by the State Road Department) lying in said counties outside the boundaries of incorporated municipalities and validating all actions by Boards of County Commissioners of the several counties of the State of Florida relating to the naming and re-naming of such streets and roads, and further authorizing and empowering the Boards of County Commissioners of the several counties of the State of Florida to refuse to record any map or plat of a subdivision which would result in duplication of names of streets or roads.

Also—

By Messrs. Fuqua and Rood of Manatee, Moody of Hillsborough, Cook of Flagler and Burnsed of Baker.

H. B. No. 212—A bill to be entitled An Act authorizing the Clerks of the Circuit Courts in the several counties of the State of Florida to destroy certain vouchers and cancelled warrants; to reproduce such vouchers and cancelled warrants by photographic or microphotographic process in certain cases; making such photographs, microphotographs or other reproductions on film and certified or authenticated reproductions thereof admissible in evidence; clerk to notify Board of County Commissioners of intent to destroy such records.

—and respectfully requests the concurrence of the Senate therein.

Respectfully,  
LAMAR BLEDSOE,  
Chief Clerk, House of Representatives.

And House Bill No. 201, contained in the above Message, was read the first time by title only and referred to the Committee on Public Roads and Highways.

And House Bill No. 212, contained in the above Message, was read the first time by title only and referred to the Committee on County Organizations.

The following Message from the House of Representatives was read:

Tallahassee, Florida,  
May 10, 1949.

Hon. Newman C. Brackin,  
President of the Senate.  
Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed—

By Mr. Papy of Monroe—

H. B. No. 505—A bill to be entitled An Act to amend Section 1 of Chapter 24192 Laws of Florida 1947, being Section 320.28, Florida Statutes 1941, as amended, relative to nonresident dealers in secondhand motor vehicles and other persons other than dealers qualified under Chapter 23660 who bring secondhand vehicles into Florida for sale, by providing that such dealers and other persons who bring in such vehicles shall make application for certificate of title of such vehicles at least ten days prior to the sale thereof, or the offering of said vehicles for sale, or advertising said vehicles for sale, and defining who is a dealer in used or second-hand motor vehicles.

Also—

By Mr. Papy of Monroe—

H. B. No. 507—A bill to be entitled An Act to amend Section 320.14 Florida Statutes 1941, relating to fractional registration of motor vehicles.

Also—

By Mr. McMullen of Hillsborough—

H. B. No. 250—A bill to be entitled An Act providing the time within which petitions for writs of certiorari shall be filed in the Supreme Court to review orders of the Florida Railroad and Public Utilities Commission; providing for notice of such review; providing for the parties to whom such notice shall be given; providing for the manner in which such notice shall be given; providing for filing briefs and oral argument by such parties; repealing all laws and parts of laws in conflict herewith.

—and respectfully requests the concurrence of the Senate therein.

Respectfully,  
LAMAR BLEDSOE,  
Chief Clerk, House of Representatives.

And House Bill No. 505, contained in the above Message, was read the first time by title only.

Senator King moved that the rules be waived and House Bill No. 505 be placed on the Calendar of Bills on Second Reading, without reference.

Which was agreed to by a two-thirds vote and it was so ordered.

And House Bill No. 507, contained in the above Message, was read the first time by title only.

Senator King moved that the rules be waived and House Bill No. 507 be placed on the Calendar of Bills on Second Reading, without reference.

Which was agreed to by a two-thirds vote and it was so ordered.

And House Bill No. 250, contained in the above Message, was read the first time by title only and referred to the Committee on Judiciary "C".

The following Message from the House of Representatives was read:

Tallahassee, Florida,  
May 10, 1949.

Hon. Newman C. Brackin,  
President of the Senate.  
Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed—

By Mr. Wotitzky of Charlotte—

H. B. No. 541—A bill to be entitled An Act to provide a

statutory basis for the program of Vocational Rehabilitation of Disabled Persons administered by the State Board of Vocational Education.

—and respectfully requests the concurrence of the Senate therein.

Respectfully,  
LAMAR BLEDSOE,  
Chief Clerk, House of Representatives.

And House Bill No. 541, contained in the above Message, was read the first time by title only and referred to the Committee on Education.

The following Message from the House of Representatives was read:

Tallahassee, Florida,  
May 10, 1949.

Hon. Newman C. Brackin,  
President of the Senate.  
Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed—

By Messrs. Okell, Lantaff and Stockdale of Dade—

H. B. No. 634—A bill to be entitled An Act to amend Section 561.44, Florida Statutes, 1941, as amended, relating to and taxing the manufacture, distribution and sale of beverages containing alcohol of more than one per cent by weight, by providing that in counties having a population of 300,000 or more inhabitants, according to the last State or Federal census, any place of business for the manufacture, distribution or sale of beverages containing alcohol of more than one percentum by weight, so situated that a part or portion of the location of such place of business lies partly within the incorporated limits of a municipality and partly outside of the incorporated limits of such city and in said county, such place of business shall be licensed under and as provided in and by Sub-sections (3), (4), (5), (6), (7), (8) of Section 561.44, Florida Statutes of 1941, as amended, providing the distance of such place of business from an established church or school is not less than the minimum distance prescribed by ordinances of the municipality in which a portion of the location of such place of business is situated, and all zoning regulations and ordinances of such municipality shall hereafter be applicable to the places of business of licensees holding licenses heretofore regularly issued in all cases where the places of business of such licensees are partly within and partly outside of the limits of a municipality as aforesaid in such counties as aforesaid.

Also—

By Mr. Branch of Hillsborough—

H. B. No. 187—A bill to be entitled An Act authorizing the establishment and operation of a hospital for the care and treatment of chronic alcoholics, providing the procedure for the commitment of chronic alcoholics to said hospital, the cost of such proceeding and treatment, duties of the County Judge, the discharge of said alcoholics, levying an additional tax on certain alcoholic beverages, and appropriating the proceeds of said tax to carry out the purpose of the Act.

—and respectfully requests the concurrence of the Senate therein.

Respectfully,  
LAMAR BLEDSOE,  
Chief Clerk, House of Representatives.

And House Bill No. 634, contained in the above Message, was read the first time by title only.

Senator Gautier moved that the rules be waived and House Bill no. 634 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 634 was read the second time by title only.

Senator Gautier moved that the rules be further waived and House Bill No. 634 be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And House Bill No. 634 was read the third time in full.

Upon the passage of House Bill No. 634 the roll was called and the vote was:

Yeas—38

Mr. President	Collins	Lindler	Sheldon
Alford	Crary	Mathews	Shivers
Ayers	Davis	McArthur	Smith
Baker	Franklin	Moore	Sturgis
Baynard	Gautier	Pearce	Tucker
Beacham	Getzen	Pope	Walker
Beall	Johns	Ray	Wilson
Boyle	Johnston	Rodgers	Wright
Carroll	King	Sanchez	
Clarke	Leaird	Shands	

Nays—None

So House Bill No. 634 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

And House Bill No. 187, contained in the above Message, was read the first time by title only and referred to the Committee on Finance and Taxation.

The following Message from the House of Representatives was read:

Tallahassee, Florida,  
May 9, 1949.

*Hon. Newman C. Brackin,*  
*President of the Senate.*  
Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed—

By Mr. Monahan of Sumter—

H. B. No. 590—A bill to be entitled An Act relating to financial matters generally; amending Section 215.35, Florida Statutes, 1941; prohibiting issuance of warrants for salaries of state employees from more than one department with certain exceptions.

Also—

By Mr. Monahan of Sumter—

H. B. No. 591—A bill to be entitled An Act relating to false pretenses, frauds, and other cheats; adding Section 817.38 to Florida Statutes, 1941; providing penalty for any state employee knowingly receiving salary from more than one department with certain exceptions.

—and respectfully requests the concurrence of the Senate therein.

Respectfully,  
LAMAR BLEDSOE,  
Chief Clerk, House of Representatives.

And House Bills Nos. 590 and 591, contained in the above Message, were read the first time by titles only and referred to the Committee on Governmental Reorganization.

The following Message from the House of Representatives was read:

Tallahassee, Florida,  
May 10, 1949.

*Hon. Newman C. Brackin,*  
*President of the Senate.*  
Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed—

By Mr. Papy of Monroe—

H. B. No. 506—A bill to be entitled An Act to amend Sections 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13 and 15 of Chapter 23658, Laws of Florida, 1947, relating to Certificates of Title on Motor Vehicles; providing for issuance by Motor Vehicle Commissioner; requiring the delivery and assignment of Certificates of Title on sale of motor vehicles, and acquisition of certificates by purchases of motor vehicles; providing for recognition

of titles to motor vehicles only in cases where evidenced by duly issued Certificate of Title; designating method and manner of issuance of certificates of title; providing that all enforceable liens and encumbrances appear on face of certificate and that certificate be held by first lien holder until satisfaction of lien; providing method of noting and satisfying liens on certificates; authorizing and empowering Motor Vehicle Commissioner to adopt rules and regulations and prescribe and furnish forms for administration of this Act, authorizing cancellation of certificates under certain circumstances; authorizing Motor Vehicle Commissioner to prepare and furnish information concerning titles for certain fees; providing that Sections 28.22 and 319.15, Florida Statutes, 1941, shall not apply after effective date of this Act, except in cases of liens existing on effective date of this Act, providing priority of liens and method of transfer of ownership in certain cases, and proof required for issuance of new certificate in such cases; providing for memorandum certificates; designating fees to be charged by Motor Vehicle Commissioner for services under this Act; providing penalties for violation of this Act; repealing Sections 319.01; 319.02; 319.03; 319.04; 319.05; 319.06; 319.07; 319.09; 319.10; 319.11; 319.12; 319.13, Florida Statutes, 1941, and all other laws in conflict and designating effective date of this Act.

Also—

By Mr. Andrews of Orange—

H. B. No. 431—A bill to be entitled An Act to amend Chapter 72, Florida Statutes, 1941, by adding thereto an additional section relating to adoption of children; when jurisdiction is assumed by Circuit Court under this chapter it shall have the same power as County Judge's Court and Juvenile Courts in providing for permanent custody and supervision of child.

—and respectfully requests the concurrence of the Senate therein.

Respectfully,  
LAMAR BLEDSOE,  
Chief Clerk, House of Representatives.

And House Bill No. 506, contained in the above Message, was read the first time by title only.

Senator King moved that the rules be waived and House Bill No. 506 be placed on the Calendar of Bills on Second Reading, without reference.

Which was agreed to by a two-thirds vote and it was so ordered.

And House Bill No. 431, contained in the above Message, was read the first time by title only and referred to the Committee on Public Welfare.

Senator Ray, President Pro Tempore, now presiding.

Senator McArthur moved that the rules be waived and Senate Bill No. 441 be made a Special and Continuing Order of Business for consideration by the Senate when Order of the Day is reached on Thursday, May 12, 1949.

Which was agreed to by a two-thirds vote and it was so ordered.

#### RECONSIDERATION

The motion made by Senator Mathews on May 9, 1949, to reconsider the vote by which the following amendment to:

Committee Substitute for S. B. No. 84—A bill to be entitled An Act creating a State Purchasing Department under the control and administration of an executive board composed of the Governor, the Secretary of State, the Attorney General, the Comptroller, the Treasurer, the Superintendent of Public Instruction, and the Commissioner of Agriculture; prescribing its powers and duties.

Failed of adoption, which amendment reads as follows:

After the Enacting Clause of the (typewritten bill) strike out the entire bill and insert in lieu thereof the following:

Section 1. Department of Purchasing.—There is hereby created and established a department of the state government which shall be known and designated as the State Purchasing Department, the administrative head of which shall be the Director of Purchasing.

**Section 2. Director of Purchasing.**—The Director of Purchasing shall be appointed by the Governor for a term of two years, and his appointment shall be confirmed by the Senate; provided, however, that at any time when the Senate is not in session and it shall appear to the Governor, in his discretion, that the public interest of Florida is not being properly protected or best served by the Director, the Governor shall have the right to remove the Director and fill the vacancy with an ad interim appointee who shall hold office until the next regular session of the State Senate, at which time such ad interim appointee may be treated as a new appointment and submitted to the Senate for confirmation. Upon such removal being made by the Governor in his discretion, the Director shall have no further claim to the office nor enjoy any further emoluments therefrom. The Director shall receive an annual salary of \$10,000.00, and shall be required to give bond in the amount of not less than \$100,000.00, the premium for which shall be paid out of funds appropriated to the State Purchasing Department.

**Section 3. Powers and Duties.**—The State Purchasing Department, acting by and through the Director of Purchasing, is authorized and directed to contract for, purchase, rent or lease all material, supplies and equipment required by any office, department, board, bureau, commission, or other agency of the State of Florida, and all state institutions, including all penal, charitable, and educational institutions, which state agencies and state institutions are hereinafter designated as "Using Agencies."

**Section 4. Advisory Committee on Purchasing.**—There is hereby created an Advisory Committee on Purchasing, which shall be composed of the Governor, the Secretary of State, the Attorney General, the State Treasurer, the State Comptroller, the Commissioner of Agriculture, and the State Superintendent of Public Instruction, and their successors in office. Four members of the Advisory Committee on Purchasing so constituted shall constitute a quorum, and the Governor shall be the Chairman thereof.

**Section 5. Powers and Duties of Committee.**—The Advisory Committee on Purchasing shall act in an advisory capacity to the Director of Purchasing and shall make recommendations to said Director on matters of policy relating to the administration of this Act. Said Committee shall have the right to inspect, at all times and with or without notice, to the Director, the administrative machinery set up by the Director to carry out the provisions of this Act, including the books and records of his office.

**Section 6. Employees of the Department.**—The Director of Purchasing may employ such assistants and such other employees as may be necessary to enable him to carry out his duties under this Act. The qualifications, duties and salaries of such assistants and employees shall be as prescribed by the Director. Such assistants and employees shall be required to give bond in an amount to be prescribed by the Director, the premiums for which shall be paid out of the funds appropriated to the State Purchasing Department.

**Section 7. Purchasing by Using Agencies Prohibited.**—No material, supplies or equipment shall be purchased by or on behalf of any Using Agency except through the State Purchasing Department; provided, however, that emergency purchases, purchases of perishables, and purchases of other items of material, supplies and equipment which are not adaptable to centralized purchasing, may be made directly by the Using Agencies when authorized by the Director of Purchasing and in accordance with rules and regulations to be prescribed for such purchases by the Director of Purchasing, as hereinafter provided for.

**Section 8. Approval of Purchases by Using Agencies.**—No purchase of material, supplies or equipment required by this Act to be purchased by the State Purchasing Department shall be made except upon authority of a requisition from the Using Agency.

**Section 9. Transfer and Sale of Surplus Materials.**—Any material, supplies or equipment of any Using Agency which shall be determined by such Agency to be surplus and reported to the Director of Purchasing as such, may be transferred by said Director to another Using Agency having need therefor, at a fair value payable to the State Treasurer for the account of the Using Agency owning and reporting such surplus. Any such surplus not required by another Using Agency may be sold by the Director and the proceeds of such sale remitted in the same manner.

**Section 10. Rules and Regulations.**—The Director of Purchasing is authorized to adopt, promulgate, and from time to time amend or rescind, such rules and regulations as are necessary or desirable to carry out the provisions of this Act; provided, however, that no rules and regulations shall become effective, except, unless and until such rules and regulations shall have been submitted to and approved by the Advisory Committee on Purchasing.

**Section 11. Severability.**—If any provision of this Act or any rule, regulation or order thereunder, or the application of same to any person or circumstances shall be held invalid, the remainder of this Act and the application of such provision of this Act or of such rule, regulation or order to persons or circumstances other than those as to which it is held invalid shall not be effected thereby.

**Section 12.** All laws or parts of laws in conflict herewith are hereby repealed.

**Section 13.** This Act shall take effect on the 1st day of July, 1949.

Was taken up.

The question was put on the motion made by Senator Mathews.

A roll call was demanded.

Upon the adoption of the motion made by Senator Mathews the roll was called and the vote was:

Yeas—23

Mr. President	Boyle	Johnston	Sheldon
Alford	Crary	Leaird	Smith
Ayers	Franklin	Mathews	Tucker
Baker	Gautier	Ray	Wilson
Beacham	Getzen	Rodgers	Wright
Beall	Johns	Sanchez	

Nays—15

Baynard	Davis	Moore	Shivers
Carroll	King	Pearce	Sturgis
Clarke	Lindler	Pope	Walker
Collins	McArthur	Shands	

Which was agreed to and the Senate reconsidered the vote by which the foregoing amendment offered by Senator Mathews to Committee Substitute for Senate Bill No. 84 failed of adoption on May 9, 1949.

The question recurred on the adoption of the foregoing amendment by Senator Mathews to Committee Substitute for Senate Bill No. 84.

Which was agreed to and the amendment was adopted.

Senator Mathews moved that the rules be waived and Committee Substitute for Senate Bill No. 84, as amended, be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Committee Substitute for Senate Bill No. 84, as amended, was read the third time in full.

Upon the passage of Committee Substitute for Senate Bill No. 84, as amended, the roll was called and the vote was:

Yeas—38

Mr. President	Collins	Lindler	Sheldon
Alford	Crary	Mathews	Shivers
Ayers	Davis	McArthur	Smith
Baker	Franklin	Moore	Sturgis
Baynard	Gautier	Pearce	Tucker
Beacham	Getzen	Pope	Walker
Beall	Johns	Ray	Wilson
Boyle	Johnston	Rodgers	Wright
Carroll	King	Sanchez	
Clarke	Leaird	Shands	

Nays—None

So Committee Substitute for Senate Bill No. 84 passed, as amended, and was referred to the Secretary of the Senate as Ex Officio Engrossing Clerk, for engrossing.

## SPECIAL AND CONTINUING ORDER OF BUSINESS

Pursuant to the motion made by Senator Baker on Wednesday, May 4, 1949, the Senate took up the consideration of Senate Bill No. 123 as a Special and Continuing Order of Business.

S. B. No. 123—A bill to be entitled An Act to provide for the regulation and the control of the citrus industry of the State of Florida: to establish a Florida Citrus Commission and define its duties: to establish and define certain grades and standards for citrus fruits produced in the State of Florida and the canned and concentrated products thereof; to establish and define maturity standards for citrus fruits produced in the State of Florida; to provide for the inspection and certification of citrus fruits produced in the State of Florida and canned and concentrated products thereof and to define the duties of the Commissioner of Agriculture in relation thereto; to provide for the licensing and registration, and the revocation of such, of citrus fruit packing houses and canning and concentrating plants of citrus fruits; to prohibit shipment or use of citrus fruits produced in the State of Florida and canned or concentrated products thereof not meeting standards set up by this Act or regulations of the Florida Citrus Commission; to define and provide for the licensing and bonding of citrus fruit dealers and for the revocation of such licenses; to provide for the assessment, levy, collection, and disbursement of certain advertising taxes, inspection taxes, and excise taxes on citrus fruits produced in the State of Florida; to define the duties of the Commissioner of Agriculture in relation to the administration and enforcement of laws dealing with citrus fruits produced in the State of Florida; to provide for the regulation of the manufacture and use of coloring

matter to be used in the coloring of citrus fruits produced in the State of Florida; to prohibit the use of arsenic in certain particulars; to provide penalties for the violation of this Act and any rules and regulations of the Florida Citrus Commission or the Commissioner of Agriculture of the State of Florida promulgated hereunder: and to repeal Chapters 594, 595, 596, 597, 598, 599, and 600, Florida Statutes, 1941, and any and all laws in conflict herewith.

Was taken up.

Senator Baker moved that the rules be waived and Senate Bill No. 123 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 123 was read the second time by title only.

Senator Baker moved that the rules be further waived and the further consideration of Senate Bill No. 123 be informally passed, the bill retaining its place on the Calendar of Bills on Second Reading, for the purpose of amendmendment, the bill retaining its place as a Special and Continuing Order of Business.

Which was agreed to by a two-thirds vote and it was so ordered.

Senator King moved that the Senate adjourn.

Which was agreed to.

And the Senate stood adjourned at 12:56 o'clock P. M., until 11:00 o'clock A. M., Wednesday, May 11, 1949.